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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/560,779

04/28/2000

Danne L. Buchanan

7905-15

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7590

04/19/2002

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EXAMINER

NGUYEN, NGA B

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 04/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

cd

# Office Action Summary

Application No.  
09/560,779

Applicant(s)  
Buchanan et al.

Examiner  
Nga B. Nguyen

Art Unit  
2164



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 28, 2000
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2, 4 20) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. This Office Action is the answer to the communication filed on April 28, 2000 , which paper has been placed of record in the file.
2. Claims 1-32 are pending in this application.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "said non-financial institution location" in claim 4 is lack of antecedent basis.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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6. Claims 1-3, 27, 28, 31, and 32 are rejected under 35 U.S.C. 102(a) as being anticipated by Geer, U.S. Patent No. 5,930,778.

Regarding to claim 1, Geer discloses a method for processing a check deposited at a remote location, remote locations including financial institutions and other locations capable of interfacing with financial institutions, method comprising the steps of:

converting check into electronic check data (column 7, lines 37-60);

electronically exchanging check data with financial institution (column 9, lines 1-10); and

financial institution crediting an account according to check data (column 9, lines 15-18).

Regarding to claim 2, Geer further discloses converting step comprises the steps of: scanning check to create image data, image data representing an electronic image of check and reading image data to create informational data from image data to aid in electronic processing of deposited check (column 8, lines 10-25).

Regarding to claim 3, Geer further discloses converting step further comprises the step of: reading at least a portion of check to determine additional informational data stored in a Magnetic Ink Character Recognition (MICR) line (column 7, lines 44-50).

Regarding to claim 27, Geer discloses a system for processing a deposit of check, system comprising:

a remote site for converting check into electronic check data (column 7, lines 4-25, "check payee");

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a central site electronically accessible to remote site, central site capable of electronically exchanging check data with financial institution (column 9, lines 10-25, "depository bank"); and

a maker site capable of electronically interfacing with central site to obtain check data and to credit an account according to check data without having to physically receive the check at financial institution (column 9, lines 41-50, "payor bank").

Regarding to claim 28, Geer discloses remote site further comprises:

a scanner/reader/printer to receive check for processing (column 7, lines 38-41); and

a remote processor electronically and operably couple to scanner/reader/printer, remote processor further comprising computer-executable instructions for interfacing with scanner/reader/printer, computer-executable instructions in conjunction with scanner/reader/printer for performing the steps of (figure 1, item 5):

scanning check to create image data, image data representing an electronic image of check (column 7, lines 38-41);

reading image data to create informational data from image data to aid in electronic processing of depositing of check (column 7, lines 38-61); and

sending check data from remote site to central site over an electronic channel (column 9, lines 1-10).

Regarding to claim 31, Geer further discloses account is credited according to check data without having to receive the physical check at the maker site (column 9, lines 10-18).

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Regarding to claim 32, Geer discloses a method for processing a check deposited at a financial institution, method comprising:

converting check into electronic check data (column 7, lines 37-60);

electronically exchanging check data with financial institution (column 9, lines 1-10); and

financial institution crediting an account according to check data (column 9, lines 15-18).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-13, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geer, U.S. Patent No. 5,930,778 in view of Official notice taken by Examiner.

Regarding to claims 4, 5 and 29, Geer further discloses electronically exchanging check data step comprises the steps of: sending check data from non-financial institution location to financial institution over an electronic channel (column 9, lines 10-12). However, Geer does not teach: financial institution verifying check data with account records accessible by financial institution, when check data conforms to account records, financial institution confirming check data to remote location, non-financial institution location processing check data into processed check data in response to confirming step, financial institution acknowledging to remote location

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receipt and accuracy of check data, and financial institution sending endorsement and voiding information to remote location. Official notice taken by Examiner that communicating between remote location and financial institution to verify the check data and financial institution sends endorsement and voiding information to remote location are old and well-known in the art of processing checks. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include these features above with Geer's for the purpose of verifying the check data at financial institution and remote location can process the check by printing endorsement and voiding information on the check based on endorsement information received from financial institution.

Regarding to claim 6, Geer further discloses remote location processing check data into processed check data step comprises the steps of: endorsing check using endorsement information; and voiding check using voiding information, endorsing and voiding steps creating a processed check (column 11, lines 20-28).

Regarding to claim 7, Geer further discloses endorsing and voiding steps are further comprises of the step of: printing on endorsement and voiding information on check (column 11, lines 38-44).

Regarding to claims 8-11, Official notice is taken that remote location secondly converting processed check data into electronic processed check data by scanning processed check to create image data, image data representing an electronic image of processed check and reading image data to create informational data from image data to aid in electronic processing of

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depositing of check, secondly electronically exchanging processed check data with financial institution by sending processed check data from remote location to financial institution over an electronic channel, financial institution verifying processed check data with account records accessible by financial institution; and when processed check data conforms to account records, financial institution secondly confirming processed check data to remote location, are well-known in the art. Remote location such as payer bank must maintain millions upon million copies of checks in their files, and the payor may be required to produce a copy of a check as proof of payment. Thus, it exists a system in some payor banks for storing and electronic exchanging with other financial institutions the electronic image of the processed checks. The process of verifying the received check data at financial institution is also well-known in the art as discussed in claim 4. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the features above with Geer's for the purpose of reducing the costs of processing checks in which the images of checks may completely replace conventional check clearance procedures involving the physical transfer of checks between institutions.

Regarding to claim 12, Geer further discloses crediting account according to check data step further comprises the step of: when financial institution is not the maker bank of check, sending processed check data to maker bank for clearing check (column 9, lines 37-50).

Regarding to claim 13, Geer further discloses sending processed check data to maker bank for clearing check step comprises the steps of: when maker bank is electronic exchange-capable, electronically exchanging processed check data with maker bank (column 9, lines 37-50).



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Geer does not disclose when maker bank is not electronic exchange-capable, printing a facsimile of check from processed check data; and forwarding facsimile of check to maker bank. Official notice is taken that sending the facsimile of a processed check to maker bank is old and well-known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the feature above with Geer's for the purpose of allowing the maker bank still to receive the processed checks via facsimile when the maker bank does not have the electronic exchange capability such as electronic mail exchange or Internet connection.

Regarding to claim 30, Geer further discloses remote site further comprises computer-executable instructions for: in response to central site confirming step, processing check data into processed check data including: endorsing check using endorsement information; voiding check using voiding information, endorsing and voiding steps creating a processed check (column 11, lines 20-28). Official notice is taken that secondly convert processed check into electronic processed check data by scanning processed check to create image data, image data representing an electronic image of processed check and reading image data to create information al data from image data to aid in electronic processing of depositing of check are well-known in the art. Remote location such as payer bank must maintain millions upon million copies of checks in their files, and the payor may be required to produce a copy of a check as proof of payment. Thus, it exists a system in some payor banks for storing and electronic exchanging with other financial institutions the electronic image of the processed checks. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the features

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above with Geer's for the purpose of reducing the costs of processing checks in which the images of checks may completely replace conventional check clearance procedures involving the physical transfer of checks between institutions.

9. Claims 14-26 are written in computer-readable medium, that parallel limitation as found in claims 1-13 discussed above, therefore are rejected by the same rationale.

### *Conclusion*

10. Claims **1-32** are rejected.

11. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure:

Carlson et al. (US 5,053,607) discloses check processing device for processing paper checks at point of sale terminal.

Braun et al. (US 4,321,672) discloses methods and system for effecting electronic funds transfer transaction based upon the use of unit records.

Campbell et al. (5,373,550) discloses the method of transmitting of check images via public switched telephone network.

Cahill et al. (US 5,940,844) discloses method and apparatus for displaying electronic image of a check.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (703)306-2901. The examiner can normally be reached on Monday-Thursday from 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin, can be reached on (703)308-1065.

13. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks

c/o Technology Center 2700

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**or:**

(703) 308-5397 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,

2121 Crystal Drive, Arlington.

VA., Sixth Floor (Receptionist).


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-3900.

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Nga B. Nguyen  
April 10, 2002



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100